

FILED

FEB 23 2017

Clerk, U.S. District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES EVERETT KAMMINGA, JR.,

Defendant.

CR 16-50-BLG-SPW

**AMENDED FINAL ORDER OF
FORFEITURE**

Whereas, in the indictment in the above-captioned case, the United States sought forfeiture, pursuant to 21 U.S.C. § 853, of any real or personal property of the defendant used or intended to be used to facilitate, or as proceeds of said violations;

And whereas, on September 13, 2016, James Everett Kamminga, Jr. entered into a plea agreement wherein he agreed to plead guilty to count I of the indictment, which charged him with possession with intent to distribute methamphetamine;

And whereas, the defendant, pursuant to the plea agreement with the United States, agreed not to contest, or assist others in contesting, the forfeiture sought in the charging document to which the defendant pleaded guilty;

And whereas, by virtue of said guilty pleas, the United States is entitled to possession of said property, pursuant to 21 U.S.C. §§ 841(a)(1) and 853, and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure;

And whereas, beginning on December 5, 2016, and ending on January 3, 2017, the United States published on an official government internet site (www.forfeiture.gov), notice of this forfeiture and of the United States' intent to dispose of the property listed below in accordance with federal law, under 21 U.S.C. § 853(n)(1):

- \$5,800.00 in United States currency seized from Kamminga's vehicle on January 19, 2016; and
- \$30,047.51 in United States currency seized from Stockman Bank of Montana accounts in the name of James E. Kamminga. (account numbers are listed in the sealed plea agreement.)

And whereas, the Court has been advised that no claims have been made in this case regarding the property and the United States is not aware that any such claims have been made;

ACCORDINGLY, IT IS ORDERED as follows:

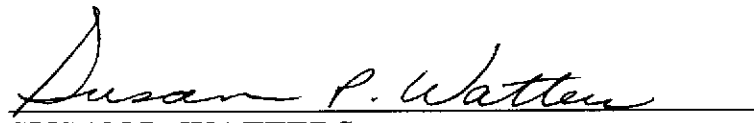
1. The United States shall seize the forfeited property described above; and return to James Kamminga the balance of funds seized in the amount of \$16,183.69 by check mailed to James Kamminga, Jr, 311 6th Avenue, Laurel, MT 59044.

2. The right, title, and interest in the property is condemned, forfeited, and vested in the United States of America for disposition according to applicable law;

3. All forfeited funds shall be deposited forthwith by the United States Treasury Departments Executive Office for Asset Forfeiture's Treasury Forfeiture Fund in accordance with 21 U.S.C. § 853(n)(1); and

4. The Clerk is directed to send copies of this order to all counsel of record and the defendant. The Clerk is further directed to send three certified copies of this order to the United States Marshal.

DATED this 23rd day of February, 2017.


SUSAN P. WATTERS
United States District Court Judge